

## **URBAN AREA PLANNING COMMISSION**

### **MEETING MINUTES**

**April 12, 2017 – 6:00 P.M.**

**Council Chambers**

#### **1. ROLL CALL:**

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Commissioners Loree Arthur, David Kellenbeck, Dan McVay, Robert Wiegand and Vice Chair Jim Coulter were present. Commissioner Lois MacMillan and Blair McIntire were absent. Also present and representing the City was Parks & Community Development Director Lora Glover and City Council Member Barry Eames. Note: There were audio issues during this meeting which made much of wording difficult to hear and understand.

#### **2. CONSENT AGENDA:**

##### **a. MINUTES: March 22, 2017**

#### **MOTION/VOTE**

Vice Chair Coulter moved and Commissioner Kellenbeck seconded the motion to approve the consent agenda with minutes of March 22, 2017. The vote resulted as follows: "AYES": Commissioners Arthur, Coulter, Fitzgerald, Kellenbeck, McVay, and Wiegand. "NAYS": None. Abstain: None. Absent: MacMillan & McIntire

**The motion passed.**

#### **3. ITEMS FROM PUBLIC:**

- a. Rycke Brown - 1415 SW Bridge Street, Grants Pass, stated that she sent a letter to Lora Glover about an item on the last meeting agenda regarding French Drains. She explained they don't work and why she believed that. She gave suggestions on how they would work using sand instead of drain rock.

#### **4. PUBLIC HEARINGS: 405-00104-17 ~ Development Code Text Amendment ~ Vacation Rental Dwelling.**

- Chair Fitzgerald stated this is as is Legislative Land Use Hearing. He asked if there was anyone present who wanted to challenge the authority of the Urban Area Planning Commission to consider this matter. There were no objections. He then asked if there was anyone on the Commission who

wished to abstain from this hearing due to a potential conflict of interest. There were no objections. In this hearing, the decision of the Commission will be based upon specific criteria. They will be giving a recommendation to the City Council. We will not be making a final decision here. Chair Fitzgerald continued reading the rules stating this decision will not be able to be appealed. The meeting was handed over to Lora Glover.

- Lora stated ultimately someone could appeal this to the Land Use Court of Appeals, after they looked at it. She stated they will be discussing the Vacation Rental Dwelling. Part of the issue came up with having quite a few that are active in town and we also have the issue with the River Vista House in Reinhart Park that has been established to be a potential Wedding Venue. We didn't have that as permitted in the Development Code so that is why we are presenting this proposal to the County Commissioners and this Council. This proposal will amend the Dwelling Code to add Vacation Rental Dwelling as permitted use and will impact Schedule 12 which has those permitted uses, Article 14 which lists the standards along with the use of Bed & Breakfasts, Article 25 references parking and Article 30 references definition. Relationships to Rental Dwellings encourage economic opportunities by encouraging activities that attract visitors and add to Grants Pass' livability. We currently don't have a Use of Vacation Rental Code. The Municipal Code does discuss it but right now we only have a Bed & Breakfast or Hotel use. This proposed amendment would include Vacation Rental as an option. The primary difference between a Vacation Rental and Bed & Breakfast is the occupancy and the specifications of the Bed & Breakfast. Some communities use the Vacation Rentals heavily with a requirement that the dwelling be occupied by the property owner for 9 months out of the year. What we have established is that it does not have to be owner occupied. If that is something the Planning Commission wants to recommend, we could have a language change. We checked with other Southern Oregon communities to see what they were doing and they do not require it to be owner occupied. The goals listed mirror the Bed & Breakfast section and we want to make sure that we maintain the residential character of the neighborhoods and local communities, to allow VRDs with compatible residential uses without infringing on the rights of neighbors and to preserve and protect adequate

public utility services and transportation and to ensure the VRDs are subject to standard development review criteria regardless of the zone. In addition, VRDs will be subject to a chronic nuisance property with the Municipal Code. Some of the sections of the codes will be impacted. The Vacation Rental mirrors with the processes for the Bed & Breakfast to allow all of residential zones under different review procedures to be Type III until you get into High Density Residential Type II, which would be allowed in the commercial zones. This is an option the Planning Commission could review. She suggested to the Commission when considering the proposed amendment, they might want to consider recommending those that are Type II or Type I procedures and appealing them to the Planning Commission so they are more streamlined. We were following the Bed & Breakfast guidelines. The language under Article 14 adding Vacation Rentals, under what is known as Schedule 12 is the same language that covers the Bed & Breakfast in maintaining the residential character and having the statutes of the permits required through the Director of Parks & Community Development. Also the maximum occupancy and square footage of the house as well as limiting how many homes will be on septic systems and making sure they are up to capacity with DEQ requirements. We would also limit the maximum number of guests and day time visitors. Vacation Rentals could have a larger number of guests only with the granting of a use permit. She discussed parking, which is under Article D, structures, length of stay requirements, guest registry and if there is a sign to follow the sign codes. She also went over the definitions as described in the code. Legislative Amendments are subject to 120 days. It is scheduled before the City Council review on May 3rd but if you want more time to discuss this we can postpone that item. Alternative to a positive action tonight would be to recommend the City Council approve the request as submitted with conditions that you provide. A negative action, recommend the Council deny the request for the reasons that you would list.

- Chair Fitzgerald asked if the Chamber weighed in on this.
- Lora stated they did not, but we could bring this to them. There was discussion about the number of hotel rooms in town and that the new Hampton will be coming soon. Lora stated that she could bring this to the Chamber tomorrow. Lora asked if they had any suggestions or

recommendations regarding the process and if they were comfortable make this a Type III or Type II review process or if they thought it could be simplified.

- Commissioner Arthur asked for clarification on what is at the top of page 41, Ratio to Parking Lot. Lora explained the parking requirements.
- Commissioner Arthur asked if there have been complaints about lights from vehicles coming and going in these VRDs. Lora stated they haven't had that issue yet.
- Commissioner Coulter stated that in deciding if this should be a Type I, II or III hearing, he would support this being a Type III so people could speak on record.
- Lora stated that she has limited ability to go backwards on Code Types.
- Commissioner Coulter said if they do go with a Type III he would support a Type II because then people could come in to make a testimony.
- Lora stated if we tried a Type II we could have an understanding that with a certain amount of requests Lora would bring those the Planning Commission for review and get a feel of how it is working. She stated that we could try it either way that they are comfortable with.
- Commissioner Kellenbeck stated that in looking over the packet he only see standards; he doesn't see anything that requires a review of judgement. There was discussion on how long it takes to approve a Type II compared to a Type I. Lora explained the process. There was more discussion on the appeals process. Lora explained that it always goes to the Commission for an appeal and she would recommend the Type I decision. There was discussion on this. Commissioner Coulter asked how they could keep an occupant from skirting the rules. Lora stated the motion should be change to state these two issues. This was put up for Public Comment. There were no comments.

## MOTION/VOTE

Commissioner Kellenbeck moved to recommend to the Council to approve this adjustment to the Code with two changes. Those changes would be making a change to Schedule 12-2 to a Type I review process, and adjust 4-C to state any guest shall not exceed 15 days in a 30 day period. It was seconded by McVay. The vote resulted as follows: "AYES": Commissioners Arthur, Coulter

Fitzgerald, Kellenbeck, McVay, and Wiegand.

"NAYS": None. Abstain: None. Absent: MacMillian and McIntire.

The Motion Passed.

### 5. OTHER ITEMS/STAFF DISCUSSION:

#### a. Staff Updates – Discussion

- Lora stated that we thought we had a Principal Senior Planner, however he took another job. We have been without that position for almost a year. Tom Schauer has been working on wrapping up the Wetlands and Open Space Amendments. He is also working on TSP transportation. We will start getting some of that settled soon.

### 6. ITEMS FROM COMMISSIONERS:

#### a. Updates/discussion

- Lora stated the only thing that will be on the Agenda for next meeting would be the findings. She asked if they would like to come in at a different time. It was discussed and decided they would stay with 6:00 PM.

### 7. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 6:55 pm

Next Meeting: April 26, 2017

  
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Gerard Fitzgerald, Chair  
Urban Area Planning Commission

4-24-17  
Date

These minutes prepared by Dianne Phelan, City Administration.